



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Akihiro MUROGUCHI et al.

Serial No.: 09/917,911

Group Art Unit: 1754

Filed: July 31, 2001

Examiner: Olsen

For: TRACE OXYGEN MEASURING APPARATUS AND MEASURING METHOD

CONFIRMATION OF TELEPHONE ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner in charge of the above-identified application telephoned applicants' representatives on January 5, 2004, to communicate a Restriction Requirement under 35 U.S.C. §121 among the following:

Group I, claims 1-9;

Group II, claims 10-13;

Group III, claims 14-17; and

Group IV, claims 18-20.

PLEASE ACCEPT THIS AS
AUTHORIZATION TO DEBIT
OR CREDIT FEES TO
DEP. ACCT. 16-0331
PARKHURST & WENDEL

In response to that requirement, applicants' undersigned representative made a provisional election during a telephone conference with the Examiner on January 7, 2004 to prosecute the

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invention of Group II (i.e., claims 10-13) in this application. Applicants' undersigned representative hereby confirms that this provisional election was made with traverse, since no adequate basis therefor has yet been stated in the record.

Search and examination of the entire application can be made without serious burden. See MPEP §803 which states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits." This policy should apply in the present application to avoid unnecessary delay and expense to applicants and unnecessary duplicative examination by the USPTO.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

January 7, 2004

Date



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RWP:RNW/mhs

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